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Banks et al.
Case No. CE08314R

REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Claims 1-12 and 14-38 are currently pending. Claim 13 has been cancelled

In the Office Action, claims 1-38 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,012,100 to Frailong et al. Applicants have amended independent claims 1 and 22 to overcome the rejection. Applicants have also cancelled claim 13, whose features have been incorporated in claim 1. In particular, applicants have amended independent claims 1 and 22 to further define the service delivery element by claiming the internal interface, external interface and embedded security layer. No new matter is added by way of this amendment and adequate support is found in the Specification, e.g. page 4, lines 11-24 and page 8, lines 6-20.

As seen in the claims, the service delivery element is a part of the communications network and completely contained therein. It connects to other components of the communications network through an internal interface and connects to the feature server, which is external to the communications network, through the external interface. In addition, the security layer is embedded as a part of the service delivery element and authenticates the feature server for use on the communication network. Thus, the claim includes a service delivery element that is internal to the communication network and provides the security function within the communication network.

On the other hand, Frailong does not disclose the service delivery element as claimed in the present application. The sections of Frailong cited in the Office Action indicate that the rejection is based on equating the gateway interface device with the service delivery element. Frailong's gateway interface device is in the client network and is not internal to the internet. See FIG. 2. In addition, the Office Action refers to the remote management server, which is separate from the gateway interface device and the client network, for teaching the security function found in the claims. Thus, Frailong

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disperses the functions of the claimed services delivery element into different devices where those devices are spread between different networks. As stated, amended claims 1 and 22 provide for a feature server being external to the network where the service delivery element that recognizes, negotiates security levels and manages access for the feature server into the communication network is internal to the communications device and contained within one device.

The fundamental difference between Frailong and the present invention as found in amended claims 1 and 22 is that Frailong is discussing the external element as an end user computer in a client Local Area Network and is concerned in providing access for that user computer in the Local Area Network to an external network. Frailong discloses the gateway interface device interacting between the LAN and the external communication network. On the other hand, the present invention discusses the service delivery element in the public communications network that is accessed via public access networks to a device subscribed to the communications network. The access to the service delivery element does not require the configuration functions described by Frailong. In other words, Frailong discloses how to access the network from the user's perspective, and the present invention discloses how a device connects to the network from the service-accessibly-by-the-user's perspective.

Further, the present invention enables the ability of the claimed service delivery element, which is external to the network, to obtain a transport service for access of the internet. It is a system that allows for automatic activation, authorization of transport privileges and upgrade of the data associated with the transport services. The service delivery element implements a secure interface to other service delivery elements to expand the services available to the subscriber. Accordingly, services can be added to the communications network using the claimed security delivery element so that it is transparent to a user, such as one practicing Frailong, where a feature server is, e.g. internal or external to the communication network, and when that feature server is made available. The only examples Frailong provides investigate the configuration or upgrade

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of the data the client device needs to have pass the authentication methods to obtain transport access. Thus, a user that gains access to the communication network by using what is disclosed by Frailong will have access to feature servers that are external to the communication network and have access thereto according to the principles of the present invention and found in amended claims 1 and 22.

In view of the foregoing, applicants respectfully submit that amended independent claims 1 and 22 are not anticipated under 35 U.S.C. § 102(e) by Frailong. As claims 2-12 and 13-21 depend upon and include each and every limitation of claim 1 and claims 23-38 depend upon and include each and every limitation of claim 22, applicants respectfully submit that these dependent claims are not anticipated by Frailong for the same reason. Applicants therefore respectfully request that the rejection under Section 102(e) be withdrawn.

In the Office Action, it is stated that the previous amendment did not interchange all occurrences of service delivery element to feature server and interface device to service delivery element. Applicants have done a thorough review of each claim, and believe that they correctly refer to the feature server and service delivery element as required by the present claims.

As the applicants have overcome all substantive rejections given by the Examiner and has complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

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Please charge any fees associated herewith, including extension of time fees, to
50-2117.

Respectfully submitted,
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